

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL NO: 09- 057**

**v.**

\*

**SECTION: “N” (3)**

**RONALD MITCHELL**

\*

**a/k/a “B”**

**a/k/a “Brian”**

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**FACTUAL BASIS**

If this case were to proceed to trial the Government would prove the Defendant guilty beyond a reasonable doubt of Count 10 of the Indictment. In that count, the Defendant, RONALD MITCHELL a/k/a “B” and a/k/a “Brian,” is charged with knowingly and intentionally possessing in and affecting commerce a firearm, after having been convicted of a crime punishable by imprisonment for a term exceeding one year. The Government would establish the following through reliable and competent evidence:

1.) On September 30, 2008, Alcohol, Tobacco, Firearms and Explosives (“ATF”) Special Undercover Agent #1 (“UC #1”) and Louisiana State Police (“LSP”) Undercover Trooper #2 (“UC #2”) purchased a Norinco SKS .762 caliber rifle from MITCHELL.

2.) At approximately 12:59 p.m., John Delco and a black male who identified himself as “B” drove up to the meet location (a bogus “store” on Oleander Street in the City of New Orleans within the Eastern District of Louisiana) in a white Jeep Cherokee with Texas plates (840 FTY). UC #1 and UC #2 were introduced to “B” by John Delco. “B”, dressed in a white t-shirt and blue jeans, carried a rifle into the store and began speaking to UC #1 and UC #2 regarding the sale of the rifle. UC #2 removed the magazine, which contained five live rounds, and unloaded the rifle. UC #1 negotiated with “B” over the price of the rifle. UC #2 then paid “B” \$275 and a “Dickies” t-shirt (valued at \$20) for the rifle, which was later determined to be a Norinco SKS .762 caliber rifle, bearing serial number 10444747. “B” advised both UC #1 and UC #2 that he was the guy to contact if they wanted rifles. There is a DVR recording of this gun transaction.

3.) “B” and John Delco then left the store at 1:23 p.m. and entered the white Jeep. ATF S/A Cheryl Harrell and LSP Trooper Bosworth, acting as surveillance, then observed “B” and Delco drive to a tan house in the 8400 block of Oleander Street. The address of the residence Delco and “B” entered on Oleander Street was run in Motions and “Ronald MITCHELL” was one of the names which appeared. The name “Ronald MITCHELL” was then run through the DMV database. Through DMV photographs, UC #2 identified “B”, the individual who sold the Norinco SKS .762 rifle to himself and UC #1, as Ronald MITCHELL, d.o.b. 3/4/78 (FBI # 697827KB8).

4.) Prior to the earliest date mentioned in this Indictment, MITCHELL had sustained a felony conviction on December 8, 1999, in the Criminal District Court for the Parish of Orleans, State of Louisiana, under case number 410-139 “B,” for Attempted Possession of Heroin and Attempted Possession of Cocaine in violation of LA-RS 40:(979) 966(C)(1) and 40:(979) 967(C)(2).

5.) The Norinco assault rifle mentioned above is a firearm as defined in Title 18, United States Code, Section 921(a)(3), and it affected (foreign and) interstate commerce by virtue of the fact that it was manufactured in China.

6.) MITCHELL admits that on September 30, 2009, he was in possession of the above-mentioned firearm, and he acknowledges that said conduct constitutes knowing violations of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

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**FREDERICK W. VETERS, JR.**  
Assistant United States Attorney

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DATE

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**TOWNSEND MYERS**  
Attorney for Defendant

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DATE

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**RONALD MITCHELL**  
Defendant

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DATE